IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WP(C).No. 30150 of 2007(L)

PETITIONERS:

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1. K.K.BALAKRISHNA PILLAI, S/O. KOCHUKUNJU PANICKER, KATTAMPARAMBIL VEEDU, PUTHUSSERY P.O., KALLOOPARA, PATHANAMTHITTA.

2. T.K.PONNAMMA BALAKRISHNAN, W/O. K.K.BALAKRISHNA PILLAI, KATTAMPARAMBIL VEEDU, PUTHUSSERY P.O., PATHANAMTHITTA.

BY ADV. SRI.S.SUBHASH CHAND
SRI.ELDHO VARGHESE

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), PATHANAMTHITTA.

3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES, MALLAPPALLY.

WPC. 30150/07 L

4. THE CHENGAROOR SERVICE CO-OPERATIVE BANK LTD.NO. A-149, OFFICE OF THE CHENGAROOR SERVICE CO-OPERATIVE BANK LTD.NO.A-149, CHENGAROOR, REPRESENTED BY ITS SECRETARY.

5. SECRETARY, THE CHENGAROOR SERVICE CO-OPERATIVE BANK LTD.NO. A-149, OFFICE OF THE CHENGAROOR SERVICE CO-OP. BANK LTD.NO.A-149, CHENGAROOR, MALLAPPALLY.

R1 TO R3 BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 30150 OF 2007 L

Dated this the 11th October, 2007

JUDGMENT

Ext.P6 is an Appeal filed by the petitioners purporting to be under Section 83(1)(j) of the Kerala Co-operative Societies Act against Ext.P5 order dated 18.8.2007. In the nature of the order that I propose to pass, I do not think it necessary to issue notice to respondents 4 and 5. I heard the learned Government Pleader also. The Writ Petition is disposed of directing the first respondent to consider and take a decision on Ext.P6 in accordance with law, after affording an opportunity of hearing to the petitioners and the respondent Bank, within a period of four months from the date of receipt of a copy of this Judgment. I make it clear that I have not expressed my view in regard to either the maintainability of the Appeal or regarding limitation and I leave it open to the respondents who are parties in Ext.P6 Appeal to raise all contentions including the contention that the Appeal is not maintainable.

K. M. JOSEPH, JUDGE

kbk.